

## **RECORD OF PROCEEDINGS**

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<b>CALL TO ORDER</b>	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, February 22, 2010 at 7:00 p.m.
<b>ATTENDANCE</b>	Council Members present: Scott Belt, Lynne Branigan, Melissa Head, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
<b>CONSENT AGENDA</b>	Belt and Branigan moved and seconded the approval of the consent agenda. Unanimous.
<b>PROCLAMATION</b>	Mayor Hanafan read a Proclamation regarding " <i>Engineer's Week</i> " noting engineers met with three-hundred math and science students interested in the engineering field at last week's seminar held at Kirn Junior High School.
<b>PUBLIC HEARINGS</b> Resolution 10-59	Held Public Hearing, approving the annual budget for the fiscal year ending June 30, 2011 (July 1, 2010 through July 30, 2011). Branigan and Belt moved and seconded approval. Belt indicated the City's very fortunate to have a budget of this nature, reducing the mill levy and no employee layoffs. Branigan thanked staff for being fiscally responsible. Unanimous.
Resolution 10-60	Held Public Hearing, granting final plat approval for a seven lot single family residential subdivision to be known as Acosta West. Branigan and Head moved and seconded approval. Voice Vote: 4 Ayes; 1 Abstention (Walsh).
Resolution 10-61	Held Public Hearing, approving the Plans, Specification, Form of Contract and Cost Estimate for the South 24 <sup>th</sup> Street Improvements, Phase I, from the north property line of Sapp Brothers north to 23 <sup>rd</sup> Avenue. Belt and Branigan moved and seconded approval. Unanimous.
Resolution 10-52	Held Public Hearing, authorizing the Mayor and City Clerk to execute an agreement with the Iowa Department of Transportation regarding right-of-way acquisition in connection with the I-29 and I-80 Interstate Improvement. Belt and Head moved and seconded approval. Unanimous.
<b>ORDINANCES ON FIRST READING</b> Ordinance 6051	Belt and Walsh moved and seconded approval, amending Chapter 2.08 "Schedule of Fees" by amending Section 2.08.040. Walsh indicated the Health Dept. oversees refuse collection every year and noted there are delinquent refuse bills of about \$300,000 a year so a punitive cost is being built into the schedule of fees. Heard from Carla Limmer, 3010 Avenue J, speaking against the penalty fees. Unanimous.
Ordinance 6052	Belt and Branigan moved and seconded approval, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property generally located between 2 <sup>nd</sup> Avenue and 5 <sup>th</sup> Avenue, from South 12 <sup>th</sup> Street to South 14 <sup>th</sup> Street/Indian Creek from I-Light Industrial to A-2/Parks, Estates and Agricultural, as set forth and defined in Chapters 15.20 and 15.05 and setting a Public Hearing for March 8, 2010 at 7:00 p.m. Heard from Bruce Kelly, 832 McKenzie Avenue, regarding a safety barrier between park property and the railroad trestle. Attorney Wade indicated the ordinance isn't changing the current use; and speed would be addressed at the time the property use changed to "parks". Unanimous.
Ordinance 6053	Belt and Walsh moved and seconded approval, amending Chapter 15.31 "Communication Towers" by amending Section 15.31.010 "Statement of Intent", Section 15.31.020 "Applicability" and Section 15.31.050 "Standards and conditions for approval" and setting a Public Hearing for March 8, 2010 at 7:00 p.m. Unanimous.
Ordinance 6054	Walsh and Head moved and seconded approval, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property generally located between 5 <sup>th</sup> & 6 <sup>th</sup> Avenues, from South 13 <sup>th</sup> Street to South 14 <sup>th</sup> Street/Indian Creek, from I-1/Light Industrial to R-3/Low Density Multi-Family Residential as set forth and defined in Chapters 15.20

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and 15.10 and setting a Public Hearing for March 8, 2010 at 7:00 p.m. Heard from Bruce Kelly, property owner of 1324 6<sup>th</sup> Avenue, regarding building onto current property. Walsh indicated contiguous zoning along the street is wanted. Wade noted it was the recommendation of staff to rezone the area to residential. Walsh mentioned you couldn't add to the existing building when it's nonconforming and noted the ordinance would be reviewed again since this was just the first reading. Wade verified with Mr. Kelly that his concern at a minimum was regarding the two lots west of the corner lot on 6<sup>th</sup> Avenue. Heard from Carla Limmer, 3010 Avenue J, who made mention of possibly building a storage area on lots she owns. Belt mentioned it was a residential neighborhood, Walsh added, storage units are not feasible for the area. Unanimous.

Ordinance 6055      Belt and Branigan moved and seconded approval, amending Chapter 15.05 "A-2/Parks, Estates and Agricultural District" by amending Sections 15.05.020 "Principal uses" and 15.05.030 "Conditional uses" and setting a Public Hearing for March 8, 2010 at 7:00 p.m. Unanimous.

Ordinance 6056      Belt and Head moved and seconded approval, repealing Ordinance No. 5478 which established the Valley View Urban Revitalization Area within the City of Council Bluffs and setting a Public Hearing for March 8, 2010 at 7:00 p.m. Unanimous.

Ordinance 6057      Belt and Branigan moved and seconded approval, repealing Ordinance No. 5684 which established the 23<sup>rd</sup> Avenue Urban Revitalization Area within the City of Council Bluffs and setting a Public Hearing for March 8, 2010 at 7:00 p.m. Unanimous.

### **ORDINANCES ON THIRD READING Ordinance 6047**

Walsh and Belt moved and seconded approval, amending Title 17 entitled "Housing" by amending Section 17.01.010 entitled "Definitions" by amending Subsection #28 entitled "Rental Property". Walsh and Belt amended the definition of "Rental Property" to read as follows: "Rental Property" means any dwelling unit, and/or rooming unit which is occupied but not occupied by the owner of record as known by the Pottawattamie County Recorder or a member of his or her immediate family. For purposes of this section, a member of the immediate family would be a child, a parent, a grandchild or a grandparent. Unanimous. Heard from Don Angeroth, 304 Glen Avenue, speaking in favor of the current amendment change. Schultz noted this is an example of how public input can make a difference. Unanimous.

Ordinance 6049      Belt and Head moved and seconded approval, amending Chapter 2.08 "Schedule of Fees" by amending Section 2.08.070 "Parks and Recreation Fees and Charges". Unanimous.

Ordinance 6050      Belt and Branigan moved and seconded approval, amending Chapter 9.34.030 "Emergency Snow Routes". Unanimous.

### **RESOLUTIONS Resolution 10-62**

Belt and Head moved and seconded postponing action on Resolution 10-62 until March 8, 2010 at 7:00 p.m., repealing the Valley View Urban Revitalization Plan and Area. Unanimous.

Resolution 10-63      Belt and Head moved and seconded postponing action on Resolution 10-63 until March 8, 2010 at 7:00 p.m., repealing the 23<sup>rd</sup> Avenue Urban Revitalization Plan and Area. Unanimous.

Resolution 10-64      Belt and Walsh moved and seconded approval, authorizing the redemption of outstanding General Obligation Bonds, of the City of Council Bluffs, State of Iowa, dated May 29, 2003. Unanimous.

Resolution 10-65      Belt and Branigan moved and seconded approval, appointing Bankers Trust Company of Des Moines, Iowa, to serve as Paying Agent, Note Registrar and Transfer Agent, approving the Paying Agent and Note Registrar and Transfer Agent Agreement and authorizing the execution of the Agreement. Unanimous.

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- Resolution 10-66                      Belt and Walsh moved and seconded approval, approving and authorizing a Form of Loan Agreement, including all supporting documents and authorizing and providing for the issuance of \$3,685,000 General Obligation Refunding Capital Loan Notes, Series 2010A, and levying a tax to pay the Notes. Walsh noted making an early payment on bond issues that have a maturity date that runs through to 2018 has a cost savings of \$402,000 to tax payers. Unanimous.
- Resolution 10-67                      Belt and Branigan moved and seconded approval, authorizing the Mayor and City Clerk to enter into an agreement and award bid to Next Phase Environmental, Inc. for the River's Edge Tree Removal Project. Branigan noted bids came in with competitive pricing; with seven or eight bids received, Belt added. Voice Vote: 4 Ayes; 1 Abstention (Head).
- Resolution 10-68                      Belt and Branigan moved and seconded approval, authorizing the Mayor to execute a contract with Howard R. Green for consultant services for the 2009 U.S. Environmental Protection Agency (EPA) Brownfields Cleanup Grant for 1001 South 6<sup>th</sup> Street. Unanimous.
- Resolution 10-69                      Belt and Walsh moved and seconded approval, approving the City of Council Bluffs' Residential Anti-displacement and Relocation Assistance (RARA) Plan. Unanimous.
- Resolution 10-70                      Belt and Branigan moved and seconded approval, granting approval of tax abatement on improvements made to real property at 4405 South 19<sup>th</sup> Street in the South 19<sup>th</sup> Street Urban Revitalization Area during the 2009 tax assessment year (Teq Properties). Unanimous.
- Resolution 10-71                      Belt and Branigan moved and seconded approval, granting approval of tax abatement on improvements made to real property at 4343 South 19<sup>th</sup> Street in the South 19<sup>th</sup> Street Urban Revitalization during the 2009 tax assessment year (Glenn). Unanimous.
- Resolution 10-72                      Branigan and Belt moved and seconded approval, authorizing the Mayor to execute a 28E Agreement between the City of Council Bluffs, Department of Natural Resources and the State Historic Preservation Office. Unanimous.
- Resolution 10-73                      Belt and Head moved and seconded approval, approving the low bid from Rasmussen Mechanical Services for the Library AHU Project in the amount of \$25,382.00. Unanimous.
- Resolution 10-74                      Belt and Branigan moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with Carley Construction, L.L.C., for the Broadway Streetscape-Phase II Project, also called, Downtown Streetscape-Phase VIII (Broadway). Unanimous.
- Resolution 10-75                      Belt and Walsh moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with MFT Construction, Inc., for the Lower Bennett Rehab. – Phase II. Unanimous.
- Resolution 10-76                      Belt and Head moved and seconded approval, authorizing the Mayor and City Clerk to execute an agreement with HDR Engineering, Inc., for engineering services in connection with the Stormwater Relief Wells. Unanimous.
- RECEIVE & FILE  
ITEMS**                                      Schultz and Walsh moved and seconded approval of Receive and File Items regarding 8A – 8C & 8E. 8A. List of Bills, January 31, 2010; 8B. Cash Balance Statement, January 31, 2010; 8C. Two (2) Notices of Claim; 8E. One (1) Salvage Yard License Application for Rogers' Auto, 2105 Veterans Memorial Highway. Unanimous. Motion by Belt, second by Walsh approving Item 8D (1-3). Three (3) Offers to Buy (1) CHIC (401 Park Avenue), (2) CHIC (Vacant lot on Benton Street), (3) Ace Realty (431 & 435 Park Avenue). Voice Vote: 4 Ayes; 1 Abstention (Schultz).

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### **APPLICATIONS FOR PERMITS & CANCELLATIONS**

Belt and Head moved and seconded approval of Beer/Wine/Liquor & Outdoor Renewal Permits regarding Items 9A (1-5). 1. Ameristar Casino, 2200 River Road; 2. Cellar 19 Wine & Deli, 928 Valley View Drive; 3. Holiday Inn Hotel & Suites, 2202 River Road; 4. Islamorada Fish Company, 2911 27<sup>th</sup> Avenue; 5. Riverside Grille, 2 Harrah's Boulevard. Unanimous.

### **CITIZENS REQUEST TO BE HEARD**

Heard from Brad Trede, 1400 Avenue D, regarding a bicycle/pedestrian lane on Avenue A. Mayor Hanafan indicated Avenue A is a one-way street but City departments will review the prospects. Belt added once the railroad tracks are gone on 2<sup>nd</sup> Avenue that could be another area utilized.

Heard from Earl Ernst, 19304 Old Lincoln Highway, regarding trash collection fees. Mayor Hanafan pointed out prices change, times change, and landfill costs were a concern. Hanafan also mentioned it's an enterprise fund and the fee has always been separate from property taxes. Wade indicated commercial properties are not serviced by the City's trash company and no way to separate the property tax levy.

Heard from Carla Limmer, 3010 Avenue J, regarding Item 8D, three Offers' to Buy. Hanafan indicated the properties listed would be reviewed and a recommendation made by staff, Council would then take action on that recommendation.

Head thanked Finance Director, Art Hill for an excellent job done on the City's budget process. Hanafan added it's a good budget in tough economic times; Hanafan thanked Council for all their support and direction regarding the budget process.

Belt and Schultz moved and seconded adjournment at 7:42 p.m. Unanimous.

### **ADJOURNMENT**

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

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Thomas P. Hanafan, Mayor

ATTEST:

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Marcia L. Worden, City Clerk